

Article GB05-H

CITY SPONSORSHIP POLICY

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Section GB-05-H-1 OBJECTIVES

The purpose of this policy is to establish general principles and guidelines for entering into sponsorship agreements with the City for its programs, events, and personal property and establish that these sponsorships are a privilege, not a right; and therefore sponsorships are subject to regulation by the City.

Section GB-05-H-2 SCOPE

The authority and decision to grant a sponsorship for City events, programs and personal property over \$7,500 measured in cash and in kind benefit is vested solely with the Governing Body. This policy is intended to provide a guide to staff and the Governing Body when considering program sponsorship applications. Donations and gifts to the City Endowment Fund are not subject to this policy, nor are entities or individuals who sponsor community sports teams, community theater organizations, and similar organizations involved in City leagues and productions. The decision to grant a program sponsorship is discretionary and shall be considered on a case-by-case basis. **The City is under no obligation to approve any requested sponsorship and reserves the right to deviate from the policy and criteria contained herein when it believes it is the City's best interest to do so.**

Section GB-05-H-3 DEFINITIONS

The following words when used in connection with this policy shall have the meanings respectively ascribed to them herein.

CITY: The City of Lenexa, Kansas.

ENTITY: Any corporation, partnership, or other type of business organization acting under a legal charter having its own rights, privileges, and liabilities.

PERSONAL PROPERTY SPONSORSHIP: The sponsorship of any movable or intangible thing that is subject to ownership and not classified as real property.

PROGRAM SPONSORSHIP: A sponsorship of an event or program which may be held at multiple City locations or which has a citywide presence.

SPONSOR: An individual or entity selected for sponsorship.

SPONSORSHIP: Display by a specific entity of its company logo, commercial message or other form of recognition at a City event, program, or on City personal property, in exchange for financial support, goods and/or in kind services.

Section GB-05-H-4 PROVISIONS

- A. Sponsorship Application. Application for sponsorship can be initiated by individuals or entities responding to sponsorship opportunities posted on the City's website, targeted direct mailings, and other selected methods deemed appropriate by the City. The City may also consider sponsorship proposals initiated and submitted by individuals or entities.
- B. Authority to Seek and Negotiate Sponsorships. Sponsorships amounting to \$7,500 or more, including in-kind services, will be considered, approved, and/or denied by the Governing Body. The City Administrator, or the appropriate Management Team Member, has the authority to seek and negotiate and to approve or deny all sponsorships of \$7,500 or less. Any sponsorship evaluation must consider the City sponsorship criteria set forth herein and the maintenance of a consistent and professional image of the City and the sponsor within the community at all times.
- C. Continuation of Preexisting Sponsorships. Any sponsorship for City events, programs or personal property in existence prior to the effective date of this policy that does not conform to the policy may be continued for the term of any previously executed written agreement or one additional year after the approval of this policy, whichever is longer, so long as the sponsorship agreement is neither expanded nor altered and the sponsorship is subject to a written agreement. In the

event the sponsorship is terminated by either party, any subsequent sponsorship must comply with the provisions of this policy.

D. Sponsorship Criteria.

1. The City should consider, but is not limited to, the following criteria, if applicable, when evaluating a sponsorship proposal. In all cases the City shall have the ability to accept or reject the proposal.
 - a. The compatibility of the entity's or individual's product and promotional goals with the City's mission;
 - b. The compatibility of the entity's or individual's product and promotional goals with the City program, event or personal property to be sponsored;
 - c. The entity's or individual's past record of involvement in the community and City projects;
 - d. The timeliness or readiness of the entity or individual to enter an agreement;
 - e. The actual value in cash, or in-kind goods or services, of the proposal in relation to the benefit of the entity or individual; and
 - f. The operating and maintenance costs associated with the proposal.
2. Additional Considerations:
 - a. The sponsorship must not conflict with the stated objectives and policies of the City;
 - b. The sponsorship should not impose or imply conditions that would limit the City's ability to carry out its functions fully and impartially;
 - c. The sponsorship shall not suggest in any way the endorsement of the sponsor or its products by the City or its employees;
 - d. The sponsorship shall not control or influence any other relationship between the parties; and

- e. The sponsorship shall not be used by any entity or individual to actively solicit funds on City property for the duration of the sponsorship.
- E. Approval of Sponsorships. All sponsorships shall be memorialized in a written agreement approved by the appropriate authority. All entities or individuals seeking to enter into a sponsorship agreement with the City must be reputable and must maintain a public image, products and services consistent with the values, goals, and policies of the City. These determinations shall be made within the sole discretion of the City.
- F. Entities and Individuals not Considered for City Sponsorships. The following entities or individuals will not be considered for City sponsorships:
- 1. Entities or individuals involved in the manufacture, distribution and wholesaling of tobacco-related products.
 - 2. Entities or individuals involved in the manufacture, distribution, and wholesaling of alcohol, except where alcoholic beverages have been authorized for sale and consumption on the premises, provided that such sponsorship is not directly linked to activities, assets, facilities, or services targeting people under the age of twenty-one years.
 - 3. Entities or individuals involved in the manufacture, distribution, and wholesaling of firearms.
 - 4. Entities or individuals whose business is solely or substantially derived from the sale of pornography.
- G. Approved Sponsorship Standards. Sponsorships are to be of a discreet and tasteful nature. If an entity or individual is selected as a sponsor by the City, its sponsorship shall adhere to the following standards:
- 1. Before a sponsor places a commercial message at an event, program, or on personal property, the City reserves the right to approve or reject the commercial messages or advertisements utilized in association with the sponsorship and the content, wording, appearance or copy thereof for any reason whatsoever and shall not be liable for subsequent damages. In approving or rejecting the

proposed message or advertisements, the City will consider the following items:

- a. Commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, or religious nature;
 - b. Depiction in any form of nudity or semi-nudity, profanity, obscenity, or lewdness or characterizations which suggest, depict, or promote any such element or sexually oriented products, activities, or materials;
 - c. Promotion for the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature; and
 - d. Use of language or descriptive material which taken in form and context is deemed to be contrary to community standards.
2. Sponsors are solely responsible for obtaining any necessary permission to use photographs, trademarks, trade names, copyrighted material or any other legally protected property.
 3. The City Planning Director may approve the temporary use of attention-attracting devices as defined in Lenexa City Code Section 4-3-B-2 except for those to be used in City parks which shall also require the approval of the Director of Parks and Recreation. The number and types of signs and attention getting devices shall be evaluated using the following criteria: type, size and duration of the proposed event or use, safety considerations (disturbance of nearby residents or adverse effects on adjacent streets) and aesthetic concerns (appearance, illumination, number and size of signs proposed).
 4. Approval of a sponsorship does not relieve the entity or individual receiving the sponsorship from also complying with all other applicable City, state and federal laws and regulations.
- H. Termination of City Sponsorships. The City may terminate any City sponsorship for cause or for convenience without cause or default by providing 10 days written notice of such termination to the other party or as provided in a written agreement.

- I. Compliance with City's Ethics Policy. All sponsorships under this policy shall be obtained in a manner consistent with the City's Ethics Code found in Lenexa City Code Section 1-6-H.
- J. Reporting of Sponsorships Under \$7500. The City's Finance Director or his designee will include a list of approved sponsorships under \$7500 in conjunction with his annual Endowment Fund Report to the Governing Body.
- K. Consent to Use Sponsorship in City Photos. By placing a sponsorship at a City event, program, or on personal property, sponsor hereby consents to the City's appearance of that sponsorship in the use of photos taken at the program, event, or personal property.

Section GB05-H-5 PROCEDURES

City staff shall develop internal procedures for receiving and processing City sponsorship applications. Such procedures shall be approved, and amended when appropriate, by the City Administrator.

Section GB05-H-6 RESPONSIBILITY FOR ENFORCEMENT

The City Administrator shall be responsible to the Governing Body for the enforcement of this Policy.

Section GB5-H-7 REFERENCES.

None

RESOLUTION NO. 2007-153

A RESOLUTION ADOPTING A CITY SPONSORSHIP POLICY.

WHEREAS, the City utilizes sponsorships to financially support its programs, events and personal property; and

WHEREAS, the City carefully considers requests for sponsorships on a case-by-case basis to determine if the sponsorship complies with the City's goals and objectives; and

WHEREAS, the City does not currently have a City Sponsorship Policy; and

WHEREAS, the City desires to maintain a policy to serve as a guide in reviewing proposed sponsorships; and

WHEREAS, after careful consideration and review, the Governing Body has created a City Sponsorship Policy and the new Policy is attached hereto and marked "Exhibit A".

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: That the Governing Body does hereby adopt the City Sponsorship Policy ("Policy") attached hereto as Exhibit "A".

SECTION TWO: The City Administrator is hereby directed to develop and approve internal administrative procedures to implement the Policy.

SECTION THREE: That this resolution shall become effective upon passage by the City Council.

PASSED by the City Council this 20th day of November, 2007.

SIGNED by the Mayor this 20th day of November, 2007.

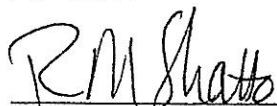
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CITY OF LENEXA, KANSAS


Michael A. Boehm, Mayor

ATTEST:

Handwritten signature of Robert M. Shatto in black ink, written over a horizontal line.

Robert M. Shatto, Interim City Clerk

APPROVED AS TO FORM:

Handwritten signature of Ryan Carpenter in black ink, written over a horizontal line.

Ryan Carpenter, Assistant City Attorney